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CONCORD, N.H.

1952

Dec. 30

His Excellency, Governor Sherman Adams
State House

Dear Sir:

You have inquired as to whether or not an expenditure may be made from the Emergency Fund to supplement the appropriation of the Health Department for crippled children's services.

Revised Law, chapter 158, section 11 authorizes the State Board of Health to formulate and administer plans for the rehabilitation of crippled children and to cooperate with the federal government or with any state or local agencies or organizations to that end.

Section 13 of chapter 158 provides "The board is designated as the agency of the state to administer a program of services for crippled children or those suffering from conditions which lead to crippling and shall supervise the administration of these services not administered by it. The purpose of such program shall be to develop, extend and improve services for locating such children and to provide for diagnosis and hospitalization and for medical surgery, corrective and other services and care."

The above statutes show a clear legislative mandate requiring the State Board of Health to provide adequate care for crippled children. Mr. Wheeler in his letter of December 24 indicates that funds are available to care for only ten children while at the same time forty children are known to be in need of care and treatment. It would appear therefore that the expenditure of funds from the Emergency Fund to fulfill the present need is a proper purpose.

Very truly yours,

Henry Baumt, Jr.,
Assistant Attorney General

HB:MM